

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48570 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- MOUZA HIDPUR District- Bhagalpur

1. ROZY MISHRA Wife of Himanshu Mishra @ Himanshu Shekhar Mishra Resident of Village-Rampurdi, P.S.-Sajour, District-Bhagalpur. At present at Anand Tower, Bhikanpur Gumti No. 3, p.s. Tilakmanjhi Dist. Bhagalpur
2. Himanshu Mishra @ Himanshu Shekhar Mishra Son of Kailash Mishra @ Kailashpati Mishra Resident of Village-Rampurdi, P.S.-Sajour, District-Bhagalpur. At present Anand Tower Bhikanpur Gumti No. 3 p.s. Tilakmanjhi Dist. Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Indeshwari Prasad Mandal
For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mojahidpur (Babarganj) P.S. Case No. 91 of 2019 for the offence punishable under Section 304(B)/34 of the Indian Penal Code.

The petitioner No. 1 is younger sister of the husband of the deceased, whereas petitioner No. 2 is the husband of petitioner No.1.

It is evident from the First Information Report that the marriage of the deceased with the brother of petitioner No. 1 was solemnized on 24.02.2012 and the deceased died on



28.03.2019, i.e., seven years after the marriage.

Learned counsel appearing on behalf of the petitioners has submitted that they have been implicated because they are relatives of the husband of the deceased and in any event no offence under Section 304(B) of the Indian Penal Code can be said to be made out in view of the case of the prosecution itself that the deceased died seven years after the marriage.

I find substance in submission so advanced on behalf of the petitioners. This application is accordingly allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur, in Mojahidpur (Babarganj) P.S. Case No. 91 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions,



their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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